

STATE WATER RESOURCES CONTROL BOARD  
**RESOLUTION NO. 2005 – 0085**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE SAN DIEGO REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD  
(TMDL) FOR TOTAL NITROGEN AND TOTAL PHOSPHORUS IN  
THE RAINBOW CREEK WATERSHED

WHEREAS:

1. The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted a revised Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.
2. On February 9, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0036 (Attachment) amending the Basin Plan to incorporate a TMDL for total nitrogen and total phosphorus in the Rainbow Creek watershed.
3. San Diego Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
4. The San Diego Water Board found that the additions of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
6. State Water Board staff determined that provisions of the amendment as adopted warranted minor, non-substantive clarification of the language of various provisions.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan to incorporate a TMDL for total nitrogen and total phosphorus in the Rainbow Creek watershed as adopted in San Diego Water Board Resolution No. [R9-2005-0036](#) and as corrected by the San Diego Water Board Executive Officer.
2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

#### CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 16, 2005.

AYE:            Tam M. Doduc  
                 Richard Katz  
                 Gerald D. Secundy  
                 Arthur G. Baggett, Jr.

OPPOSED:    None.

ABSENT:      None.

ABSTAIN:     None.

A handwritten signature in black ink, appearing to read "Selica Potter", written over a horizontal line.

Selica Potter  
Acting Clerk to the Board